

HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON' BLE SRI JUSTICE G. SHYAM PRASAD

Writ Petition No.39149 of 2016

ORDER: (*per Hon'ble Sri Justice V. Ramasubramanian*)

Aggrieved by the dismissal of his application, challenging a charge memo and seeking promotion, a Town Planning Officer of the Greater Visakhapatnam Municipal Corporation, has come up with the present writ petition.

2. The charge memo was challenged on two grounds, namely, (1) that there has been a long delay, both in the initiation and in the continuance; and (2) that the petitioner was transferred before the alleged unauthorized construction.

3. As rightly observed by the Tribunal, the unauthorized nature of construction came to light in the year 2011. Moreover, the delay in initiation of proceedings cannot be fatal to a charge memo. Hence, the Tribunal was right in rejecting the first ground.

4. Insofar as the second ground is concern, it is a matter to be considered on merits when the disciplinary proceedings are conducted. The petitioner cannot seek a discharge on merits either before the Tribunal or before this court at this stage.

5. Insofar as the grievance of the petitioner relating to the promotion is concerned, the Tribunal was right in dismissing O.A., since the Tribunal has no jurisdiction to direct the respondents to consider the petitioner for promotion without reference to the charge memo.

6. Hence, we find no merits in the writ petition. Therefore, the writ petition is dismissed. There will be no order as to costs. Miscellaneous petitions pending if any this writ petition, shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 14.11.2016
BSS



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